

7-46. Noncompliance Penalty: Review of Actual Expenditures and Adjustment of the Penalty (1200 TN 350 7-46)

1. **AUTHORITY.** Pursuant to regulations promulgated under the noncompliance penalty section of section 120 of the Clean Air Act:
 - a. To adjust and readjust the amount of the penalty assessed or the payment scheduled for the purpose of meeting requirements of that section;
 - b. To, within 180 days of the sources' coming into compliance, either reimburse it for any overpayment or assess and collect an additional payment for any underpayment of a noncompliance penalty in accordance with the CAA.
2. **TO WHOM DELEGATED.** Director, Air Protection Division (APD).
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the delegatee must consult with the AA for OECA.
 - b. The AA for OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The AA for OECA must notify any affected RA prior to exercising any of these authorities.
 - d. The AA for OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the associate division director level, and no further. These authorities may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120(b)(8) and (9), and 120(d)(4) of CAA.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-46.
Noncompliance Penalty: Review of Actual Expenditures and Adjustment of the Penalty, 1200 TN RIII-115, (October 29, 1996).

Date 3/17/2017
Cecil Rodriguez
Acting Regional Administrator